

AHMUTY, DEMERS & MCMANUS, ESQS.
65 Madison Avenue, Suite 400
Morristown, New Jersey 07960
(973) 984-7300
Attorneys for Defendants
Attorney ID No.: 032722008

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DAVID M. PATON,

Plaintiff,

vs.

**AIG, NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, jointly, severally and in the
alternative,**

Defendant(s).

CASE NO. _____

**From: Superior Court of New Jersey, Law
Division, Hudson County Vicinage, Docket
No. HUD-L-2171-17**

NOTICE OF REMOVAL

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367(a), 1441, 1446; and 42 U.S.C. § 1983, defendants American International Group, Inc. i/s/a as AIG ("AIG") and National Union Fire Insurance Co. of Pittsburgh, PA ("National Union") through the undersigned attorneys, hereby remove the above-captioned civil action, and all claims and causes of action therein, from the Superior Court of New Jersey, Law Division, Hudson County Vicinage, to the United States District Court for the District of New Jersey, Newark Vicinage.

THE PARTIES

1. This action involves a controversy between citizens of different States. The plaintiff is, and was at the commencement of the action, a citizen of New Jersey.

2. Defendant National Union is incorporated in the Commonwealth of Pennsylvania with its principle place of business in the State of New York.

3. Defendant American International Group is incorporated in the State of Delaware with its principal place of business in the State of New York.

JURISDICTION & AUTHORITY FOR REMOVAL

4. This is an action for uninsured motorist coverage pursuant to a policy of insurance issued by National Union..

5. On July 11, 2017, plaintiff commenced this action by filing a Complaint, which did not plead specific damages, in the Superior Court of New Jersey, Law Division, Hudson County (“the State Action”). The Complaint names AIG and National Union as defendants. A copy of the State Action Complaint is attached hereto as **EXHIBIT A**. Defendants answered the Complaint on or about August 8, 2017. A copy of the Answer to the State Action Complaint is annexed hereto as **EXHIBIT B**.

6. On or about December 12, 2017, defendants received plaintiff’s Answers to Interrogatories and document disclosures. The Interrogatories and medical records detail a number of alleged injuries, which plaintiff claims to be severe and permanent, allegedly caused by an accident that occurred on January 5, 2015, in Union City.

7. Based on a review of these answers to Interrogatories and document disclosures, defendants—while denying the allegations against them—have reason to believe the amount in controversy exceeds \$75,000.

8. Given that defendants received the above-referenced documents on December 12, 2017, removal of this matter is timely pursuant to 28 U.S.C. §§ 1446(b)(3).

9. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. §§ 1332 because there exists diversity of citizenship between the plaintiffs and the defendants and the amount in controversy is reasonably believed to exceed the sum of \$75,000, exclusive of interests and costs.

10. Under the provisions of 28 U.S.C. §1441, the right exists to remove this civil action from the Superior Court of the State New Jersey, Hudson County, to the United States District Court for the District of New Jersey, Newark Vicinage, which embraces the place where this action is pending.

NOTICE TO PLAINTIFF AND SUPERIOR COURT OF REMOVAL

11. The defendants, through their attorneys, will promptly serve a copy of this Notice of Removal on counsel for the plaintiff, and will promptly file a copy of this Notice of Removal with the Clerk of the Superior Court, Law Division, Hudson County Vicinage pursuant to 28 U.S.C. § 1446(d).

AHMUTY DEMERS & MCMANUS

BY: /s Samuel M. Goffinet
SAMUEL M. GOFFINET, ESQ.

Dated: December 20, 2017